

In re: Malcom B. Strandberg
Filed: September 28, 1998
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REMARKS

Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks.

Claims 1 and 3-11, 21-26, and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,884,032) in view of Sutton (U.S. Patent No. 4,052,570). Claims 12-20 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bateman et al. in view of Sutton in further view of Szlam et al. (U.S. Patent No. 5,214,688). Applicant respectfully traverses these rejections.

With this amendment, Applicant has amended independent claims 1, 13, and 22. Applicant has also amended dependent claims 15, 20-21, 23, and 26-28 and cancelled claims 3, 24, and 25 without prejudice.

Independent claims 1, 13, and 22 have been amended to recite a first (remote) location having a data terminal and a telephone both connected to a single telephone line wherein the telephone call back request is requested to telephone connected to the (same) telephone line that the user was connected to the World Wide Web

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(WWW) on. Applicant respectfully submits that Bateman et al. do not disclose or suggest how to contact someone via telephone over the same line that the person is connected to the WWW on.

Specifically, on col. 6, lines 3-4, Bateman et al. disclose that in the first embodiment, "The session starts when a customer 2 calls via its Internet access line 6 into the WWW server 28". The call back is made via PSTN 9 and line 10.

On col. 8, lines 11-34, Bateman et al. disclose:

FIG. 6 illustrates a second embodiment of the invention. ... The interconnections between the customer premises 100, WWW server 102, call centre 104, agent workstation 106 and PSTN 116 are the similar to before with the exception that all customer PC connections are via a broadband data network 117, and the customer telephone 110 connection is implemented with a line 107 to the PSTN 116 and a subsequent connection to the broadband data network 117.

On Col. 9, lines 49-64, Bateman et al. disclose:

FIG. 8 illustrates a third embodiment of the invention which is quite similar to that shown in FIG. 6, with the exception of the configuration at the customer premises. ... This embodiment provides a method for integrating or connecting a customer 100 who has a telephone 120, a PC 124 with DDE (dynamic data exchange) capabilities and two modems 122,126 and lines 127,128 and wishes to be connected to a live agent 104. DDE allows data to be passed dynamically between different applications running on the PC. In this embodiment, the PC 124 is equipped with communications software and modems 122, 126 able to place the call between the customer's telephone 120 and the ACD agent itself, automatically, instead of requiring the telephone switch to set up the call

not claiming one/modem?

as in FIG. 6.

Lastly, on Col. 10, lines 18-30 disclose:

FIG. 10 illustrates a fourth embodiment of the invention in which a method and apparatus is provided for integrating WWW information from a caller who is already talking to a live ACD agent. ... The customer site 210 is equipped with a computer 212 and a telephone 214 both connected to a SVD (simultaneous voice data) modem 216 with external connections 218 to the PSTN 219 which may be analog, or ISDN (integrated services digital network) format. SVD modems allow both voice and data to be transmitted over the same standard telephone line at the same time.

For the above reasons, Applicant respectfully submits that Bateman et al. does not disclose or suggest how to contact someone via telephone over the same line that the person is connected to the WWW on as recited in amended independent claims 1, 13, and 22. Applicant also submits that neither Sutton nor Szlam et al. disclose or suggest the elements missing from Bateman et al. Accordingly, Applicant respectfully submits that the pending claims are in condition for allowance. Early and favorable action is respectfully requested.

Applicant also respectfully continues to submit that the Sutton is not analogous art for the reason recited in the previous response. Moreover, Applicant submits that it is improper for the Examiner to state simply that the case law cited in the previous


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response is not applicable in telephony arts because of overwhelming obviousness. (See Advisory Action dated September 10, 2003.) Applicant thus requests the Examiner to provide some support for the proposition that a reference need not be analogous in the telephony art as defined in *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

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